

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BYRON K. RED KETTLE,

)

8:13CV171

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Petitioner,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

)

SCOTT FRAKES,

)

)

Respondent.

)

This matter is before the court on Petitioner Byron Red Kettle's two Motions (Filing Nos. [91](#) and [92](#)) and an Amended Petition for Writ of Habeas Corpus (Filing No. [88](#)).<sup>1</sup> The court previously advised Red Kettle that his filing of supplements, amended petitions, and motions seeking to amend his claims frustrates the court's ability to effectively manage and progress this case. (Filing No. [78](#) at CM/ECF p. 5.) The court ordered Red Kettle not to file any other amended pleadings or supplements to his pleadings without first seeking leave of the court. Red Kettle filed the three pleadings at issue here—Filing Nos. 88, 91, and 92—in contravention of the court's order. As such, the court will order the clerk of the court to strike them from the court's record.

IT IS THEREFORE ORDERED that: The clerk of the court is directed to strike Filing Numbers 88, 91, and 92 from the record. Red Kettle's Amended Petition for Writ of Habeas Corpus dated November 2, 2015 (Filing No. [80](#)) is the operative petition in this case. The court will progress this case to final resolution by separate order.

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<sup>1</sup>The court notes that on November 18, 2015, the court mistakenly granted Red Kettle's request for an extension of time in which to file an amended petition. Red Kettle had already filed his Amended Petition for Writ of Habeas Corpus on November 2, 2015 (Filing No. [80](#)).

DATED this 24<sup>th</sup> day of February, 2016.

BY THE COURT:

s/ *Richard G. Kopf*

Senior United States District Judge